

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

LINDY G. WRIGHT,)
Plaintiff,)
v.)
CHATTAHOOCHEE VALLEY)
COMMUNITY COLLEGE (CVCC),)
et al.,)
Defendants.)
)
)

Civil Action No. 3:06-cv-1087-WKW

MOTION TO EXTEND TIME FOR THE FILING OF REPLY BRIEF

COME NOW the Defendants herein, by and through counsel, and file this Motion to Extend Time for the Filing of a Reply Brief to the Plaintiff's Response to these Defendants' Motion for Summary Judgment and as grounds therefor states as follows:

1. The undersigned experienced a power outage this afternoon during the course of work on the Brief that will be filed in reply to the Plaintiff's Response. The undersigned contacted the law clerk handling this matter in the Court's office and explained the problem and asked for advice as to what to do. During the telephone call, the power came back on and the problem seemed to be resolved.

2. However, after the power came back on, the secretary preparing the Brief advised the undersigned that she could not find the Brief on her computer. Shortly thereafter, she advised that she had finally found the Brief but that a great deal of it was gone or had apparently been erased at the time of the power outage. Evaluating the

extent of the loss, it appears that it will be impossible to finish the work on this matter by the close of business on this day which is the due date for the Brief.

3. One of the attorneys working on this matter, Brandy Price, is scheduled to fly out of town with her husband this evening. The undersigned has appointments tomorrow. Therefore, Ms. Price and the undersigned contacted Jennifer Cooley, one of the attorneys for the Plaintiff in this matter, and discussed the situation with her.

4. Ms. Cooley advised counsel for these Defendants that she was agreeable to a filing date of Monday, November 24. She stated that she would remain by the telephone in the event the Court wished to speak with her about the extension of the filing date.

WHEREFORE, the undersigned respectfully requests that the filing date of the Reply Brief be extended to Monday, November 24, 2007, by agreement between counsel for the Plaintiff and the Defendants.

Respectfully submitted,

/s/ H. E. NIX, JR.
H.E.Nix, Jr. (NIX007)
Brandy F. Price (PRI079)

OF COUNSEL:
Nix, Holtsford, Gilliland, Higgins & Hitson, P.C.
Post Office Box 4128
Montgomery, Alabama 36103-4128
(334) 215-8585
(334) 215-7101 facsimile

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing instrument has been served on the following individual(s) either by email from the Court Clerk or by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this 20th day of November, 2007.

Jennifer B. Cooley, Esq.
Parker & Cooley, LLC
1507 Broad Street
Phenix City, Alabama 36867

Peter A. Dumbuya, Esq.
Post Office Box 3302
Phenix City, Alabama 36868

Joan Davis, Esq.
Dept. Of Post Secondary Education
401 Adams Avenue, Suite 280
Montgomery, AL 36130

/s/ H. E. NIX, JR.
OF COUNSEL